

## 1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF NEW YORK (BROOKLYN)

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 AYLO HOLDINGS S.A.R.L.,  
7 formerly known as "MindGreek  
S.a.r.l.",

8 Defendant.

Case No. 1:23-cr-00463-EK-1

Brooklyn, New York  
November 30, 2023  
12:43 p.m.9  
10 TRANSCRIPT OF TELEPHONE CONFERENCE HEARING  
11 BEFORE THE HONORABLE ERIC R. KOMITEE  
UNITED STATES DISTRICT COURT JUDGE

## 12 APPEARANCES:

For the Plaintiff:

Tara McGrath, Esq.  
Hiral Mehta, Esq.  
U.S. Attorney's Office  
271-A Cadman Plaza East  
Brooklyn, NY 11201

15 For the Defendant:

Eric Corngald, Esq.  
Jeffrey Wang  
Friedman Kaplan  
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18 Clerk:

Unknown

19 Court Recorder:

Electronic Sound Recording

20 Transcription Service:

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(518) 302-677224 Proceedings recorded by electronic sound recording;  
25 transcript produced by transcription service.

1 (Call to order at 12:43 p.m.)

2 THE COURT: Hi, Drew, I'm on.

3 THE CLERK: Yes, Judge. Criminal cause for telephone  
4 conference, docket number 23-CR-463, USA v. Aylo Holdings,  
5 S.A.R.L.

6 Before I ask the counsel to state their appearances,  
7 there are a few things we need to go over. These proceedings  
8 are public. The recording and/or rebroadcasting of them are  
9 not allowed.

10 We're making an audio recording of today's  
11 conference, so for purposes of a clear record, please identify  
12 yourself each time you speak, speak slowly, and use your device  
13 when you're not speaking to eliminate background noises.

14 Counsel, please state your appearances for the record  
15 beginning with the Government attorney?

16 MS. MCGRATH: Good afternoon, Your Honor, Tara  
17 McGrath for the Government and I'm joined by Hiral Mehta, also  
18 for the Government.

19 MR. MEHTA: Good afternoon, Your Honor.

20 THE COURT: Good afternoon.

21 MR. CORNGALD: Good morning -- good afternoon, Your  
22 Honor, it's Eric Corngald and Jeffery Wang of Friedman Kaplan  
23 for Aylo Holdings.

24 THE COURT: Good afternoon to you as well. Is that  
25 everybody?

1 MR. CORNGALD: I think so.

2 THE COURT: Okay. All right, so I think this case  
3 was -- so first of all, thank you everybody for joining by  
4 telephone, especially given that I'm interrupting your lunch  
5 hour. We have a trial going on at the moment, so we had to  
6 schedule this for now.

7 I think this case was randomly assigned to me. And I  
8 took a very, very brief look at one or more filings, surely not  
9 everything, and noticed two things I would say.

10 One, is that I think the Government is proposing and  
11 I won't to say anything now that relates to matters filed under  
12 seal.

13 Are there any filings, this is a question for the  
14 Government, under seal?

15 MS. MCGRATH: I don't believe so, Your Honor. I  
16 think we just emailed to your deputy some of the underlying  
17 documents --

18 THE COURT: Okay.

19 MS. MCGRATH: -- that we initially, you know,  
20 eventually wish to present before the Court and have entered,  
21 but presently, there's just the 7(b) notice.

22 THE COURT: Okay, so I noticed in what was sent that  
23 the Government's contemplating an arrangement, let's just say,  
24 which is set to last at least three years and maybe longer in  
25 connection with, you know, what's been teed up so far. That's

1 the first thing I noticed.

2 The second thing I noticed is that Mr. Corngald is  
3 one of the lawyers in this case. And I think the ABA and maybe  
4 the Judicial -- the Committee on Judicial Conduct have been  
5 clear that it's incumbent on me to flag relationships that  
6 somebody might think reasonably would give rise to a conflict  
7 even if I don't necessarily think so.

8 I don't know what I think on the subject yet, but I  
9 just want to say the following for the Government's benefit,  
10 which is that Mr. Corngald was a supervisor of mine in the U.S.  
11 Attorney's Office and mentor to me and many, many others. And  
12 I would daresay a friend and someone I have or try to have  
13 lunch or dinner with on at least a semi-regular basis.

14 None of us in life are keeping up with friends as  
15 much as we would like to, but Mr. Corngald has taught a law  
16 school -- guest taught a law school class that I teach. And I  
17 think the Government should presume for the sake of thinking  
18 their way through the question about the -- ask that those  
19 types of conduct or contact, excuse me, will continue for the  
20 duration of this case. And if that is something that you might  
21 view as problematic, the sooner you raise that question, the  
22 better.

23 I may raise that question on my own. I don't know  
24 yet, but I just wanted to put this out there as early as  
25 possible, so that if the case is going to go another judge, we

1 don't waste an inordinate amount of time getting there.

2 Ms. McGrath, let me know if all that is clear enough,  
3 if you have any questions. At this point, I'm not asking for a  
4 response here.

5 MS. MCGRATH: Sure, thank you, Your Honor. So that's  
6 perfectly clear. And we understand you're not asking for a  
7 stop at this juncture, but we are very comfortable saying that  
8 we don't see that as a conflict or certainly one that we  
9 couldn't waive.

10 And we're entirely comfortable proceeding with you as  
11 a judge. Of course, we understand you'll do your own analysis,  
12 but that is our position.

13 THE COURT: Okay. All right, I'll continue to think  
14 this through. I'm happy to hear from the Friedman Kaplan side,  
15 if anybody wants to add anything here. And otherwise, I will  
16 let you all go get lunch at this point.

17 Mr. Corngald, anything from your side?

18 MR. CORNGALD: I don't really have anything to add at  
19 all, thanks.

20 THE COURT: All right. Thank you all and we will be  
21 in touch.

22 MR. MEHTA: Thank you, Your Honor.

23 THE COURT: Bye.

24 (Proceedings concluded at 12:49 p.m.)

25

**CERTIFICATE**

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

214

November 30, 2023

Chris Hwang

Date

Court Reporter